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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/549,636

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Sjoerd Stallinga

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03/17/2008

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

BATTAGLIA, MICHAEL V

ART UNIT

PAPER NUMBER

2627

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/549,636	<b>Applicant(s)</b> STALLINGA ET AL.	
	<b>Examiner</b> MICHAEL V. BATTAGLIA	<b>Art Unit</b> 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-20 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 September 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Election/Restrictions***

1. Applicant's election without traverse of Species I in the reply filed on February 11, 2008 is acknowledged. However, generic claims 1 and 12 are allowable (see *Allowable Subject Matter* below). Claims 4-6 and 15-17, which would have been withdrawn from consideration as a result of the election requirement, require all the limitations of an allowable claim. Pursuant to the procedures set forth in MPEP § 821.04(a), **the election requirement between inventions Species I-VII, as set forth in the Office action mailed on December 11, 2007, is hereby withdrawn** and claims 4-6 and 15-17 were not withdrawn and, instead, fully examined for patentability under 37 CFR 1.104. In view of the withdrawal of the restriction requirement, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Drawings***

3. The drawings are objected to under 37 CFR 1.83(a) because the unlabeled rectangular boxes (elements 81-83, 90 and 97) shown in the Figs. 1A, 1B and 4B should be provided with descriptive text labels. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are

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required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

*Allowable Subject Matter*

4. Claims 1-20 are allowed. In regard to claim 1, none of the references of record alone or in combination suggest or fairly teach a method of measuring the tilt of an optical disc in an optical disc drive, said method comprising : a step of directing to the optical disc during a normal phase, a first laser beam having a first optical characteristic for writing/reading information into/from the optical disc, **a step of deriving a first intermediate value from a first normalized error signal obtained after reflection of said first laser beam on the optical disc,** **a step of directing to the optical disc during a tilt-measuring phase, said first laser beam and a second laser beam having a second optical characteristic, a step of deriving a second intermediate value from a second normalized error signal obtained after reflection of said**

**first and second laser beams on the optical disc, a calculation step of deriving a tilt-indicative signal from the difference between said second and first intermediate values.**

In regard to claim 12, none of the references of record alone or in combination suggest or fairly teach Optical disc drive for writing/reading information into/from an optical disc, said optical disc drive comprising means for measuring the tilt of said optical disc, said means comprising: first means for generating and directing to the optical disc during a normal phase, a first laser beam having a first optical characteristic for writing/reading information into/from the optical disc, **calculation means for deriving a first intermediate value from a first normalized error signal obtained after reflection of said first laser beam on the optical disc, second means for generating and directing to the optical disc during a tilt-measuring phase, said first laser beam and a second laser beam having a second optical characteristic, calculation means for deriving a second intermediate value from a second normalized error signal obtained after reflection of said first and second laser beams on the optical disc, calculation means for deriving a tilt-indicative signal from the difference between said second and first intermediate values.**

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hirai et al (US 6,545,958) disclose intermittently detecting tilt using a tilt laser beam (Figs. 10 and 14 and Col. 21). Takeda (US 2003/0058758) discloses detecting tilt periodically using an interrupt (Paragraph 0058). Muramatsu et al (US 5,768,232) (Fig. 11) and Nagashima et al (US 6,304,526) (Fig. 16, element 12) disclose detecting tilt with a non-

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recording/reproducing beam. Ishibashi et al (US 5,751,680) disclose switching between tilt detection and data reproduction (Figs. 3 and 6)

6. This application is in condition for allowance except for the aforementioned formal matters.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL V. BATTAGLIA whose telephone number is (571)272-7568. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, A. Wellington can be reached on (571) 272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael V. Battaglia/

Examiner, Art Unit 2627

/Andrea L Wellington/

Supervisory Patent Examiner, Art Unit 2652